7: Barth E-5 (1951) 1953 MA11 Kurd MA11

642 554 the presumption that everything not legitimized in terms of the order is outside its scope». «So long as the encumbent of such a status does not act counter to the traditional order, ... loyalty is due, not to 'the order', but to him personally.» (Parsons, op. cit., p. 121).

The main contrast between the Kurdish systems and this «traditional» type lies in the implication in the definition of the latter that concrete traditional prescriptions are indeed accepted and agreed upon by all. The cultural heterogeneity of the South Kurdish area has been emphasized above; this heterogeneity makes for a situation where a truly traditional system can not operate. Any single concrete traditional prescription tends to be questioned by all but a minority, and conflicting interpretations of what is in fact the traditional order are constantly advanced. As a result, the theme of *power* attains an overriding importance, following the line of reasoning that if you can get away with something, it can't be *very* wrong. The effective check on excesses in the use of power is the threat of murder. Though there is obviously much more excited talk than • 681 action, Kurds are rightly famous for being «trigger-happy», and a person who strongly feels that his rights have been infringed upon may go to great lengths to retaliate. Since no institutional means exist, violence has become institutionalised as the only mechanism at hand.

178 642 It is tempting to see the present situation as the result of breakdown of a formerly functioning traditional system. There is considerable evidence indicating that Southern Kurdistan some 100 years ago was better integrated than today, in the form of a strongly 175 feudal Pashalik centering around Suleimani. The Baban Pashas of 642 Suleimani had frequent opportunities during conflicts with both the Persian and the Ottoman rulers to show that they had the unquestioning support of an overriding majority of the population, and through several centuries of rule they built up a traditional hierarchy of hereditary status positions, entitling persons to political offices (Rich op. cit., p. 115). The traditional nature of the rule is strikingly brought out in the following citation, where the Pasha of Suleimani explains the solidarity that his subjects feel towards him by contrast-

8: Leach E-5 (1938) 1940 MA11 Kurd MA11
Rowanduz

578 lead to one side burning the other's crops or stealing their cattle.
628 Until bloodshed has occurred nothing is serious and a good clan Agha will
684 see to it that the parties submit to arbitration before the affair
• 681 reaches a crisis. More serious are affairs in which women are involved; an insult to honour can only be wiped out by death and the discovery of adultery can have only one possible sequal. Such cases however need not necessarily lead to feud; if the guilty lover belongs to the same village as the injured husband a single murder is considered to settle the matter. If the parties are from different groups however the affair is much more serious and several assassinations may take place before settlement can be reached. Eventually, provided it is the honour of commoners rather than of Aghas that is at stake, the Aghas concerned will arrange faal through the mediation of the tribal chiefs. According to Hay "A blood feud is usually settled by the payment of blood-money; every condition of man or woman has his or her price, and even the parts of the body are catalogued. A Kurmanji or middle class Kurdish farmer is valued at £90, one of his women at £45, and his leg or arm at say £20. Such payment is often made in kind, some cattle or a horse, or so much wheat being handed over to the aggrieved party. It is very common for a girl to be given away in marriage in payment of blood money. Thus if £90 were owing, the price of the blood of one m n the debt might be paid by the delivery of one girl, three cows and a donkey". I have no comparable information, though I think the general principle is accurately described. In Hay's time the Government could seldom apprehend a murderer. He says "For the murdered man's relations to take their revenge is quite in order, but an execution at the hands of that monster, the Government, is an entirely different matter. The culprit therefore is carefully concealed until he can make good his escape to the hills". The position today is somewhat different and I fancy the murderer is usually caught. This however does not end the feud; blood feud murders are punishable only by two years imprisonment and the war starts again when the culprit gets free.*

628 As has been explained the feuds of commoners and the less important Aghas are settled in the end by tribal arbitration. Moreover

* The Administration makes a distinction between feud murders
628 justified by tribal custom and ordinary murders which are not. The
684 former come under a special code for which the maximum penalty is two
178 years imprisonment; the latter come under the ordinary Iraq criminal code for which the penalty is much more severe (? death). This has had an interesting repercussion. In the old days by tribal custom an affair of honour was adequately settled if the man only was killed, the woman in the case being merely driven out of her own community to fend for herself. Today it is necessary for the avenging husband to prove to the Authorities that it is really an affair of honour and not just a cold blooded murder. The custom now therefore is to kill both the guilty parties.